

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-14 are pending in the present application, with claims 1, 7, and 14 being independent.

Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication on page 11 of the outstanding Office Action that claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For at least the reasons detailed below, all pending claims should be considered allowable.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected: claims 1-4, and 6 under 35 U.S.C. §103(a) as being unpatentable over Van Ryzin (US 6,127,941) in view of Mayerle (US 4,081,747); and claims 7-14 under 35 U.S.C. §103(a) as being unpatentable over Van Ryzin (US 6,127,941) in view of Seebeck et al. (US 5,657,005). These rejections are respectfully traversed insofar as they pertain to the presently pending claims.

First, Applicant notes that claims 7-14 were added in the previous response, and therefore, the rejection against claims 7-14 are a new ground of rejection.

Second, Applicant submits herewith a declaration under 37 C.F.R. §1.131 clearly showing that conception of the present invention was prior to the effective date of Van Ryzin, e.g., prior to February 3, 1998.

Applicant notes that Van Ryzin is only available as a reference under 35 U.S.C. 102(e). Van Ryzin is not available as a reference under 35 U.S.C. 102(a) or 102(b), since the present application has an International filing date of February 18, 1999. Applicant also notes that the present application claims priority to German Patent Application DE 198 07 928.1, which was filed on February 25, 1998, and whereby Germany was and still is a WTO member country prior to 1998.

Therefore, in accordance with the practices under MPEP §715 and because the effective date of Van Ryzin, namely February 3, 1998, is not a statutory bar date (e.g., a 102(b) date), Applicant respectfully requests that the Examiner remove Van Ryzin as a reference.

Accordingly, because neither Mayerle nor Seebeck et al. teach or suggest all of the features of at least claims 1-4 and 6-14, Applicant respectfully requests that the Examiner withdraw the rejections.

Conclusion

In view of the above amendments and remarks, this application

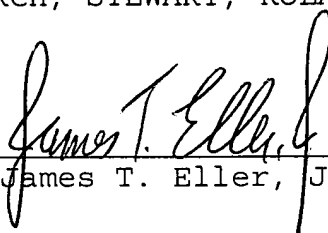
appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. 51,011) at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James T. Eller, Jr., Reg.#39,538

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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Attachment: Declaration Pursuant to 37 C.F.R. §1.131